

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

John R. Griffin, Jr.

v.

Civil No. 09-cv-00250-SM

New Hampshire Department of
Employment Security et al.

ORDER

Before the court is the Amended Complaint (doc. no. 6) filed by John R. Griffin, Jr., alleging that defendant Speare Memorial Hospital ("Hospital"), acting through Linda Nestor, Laurie Bolognani, and Peter Kritkos, improperly fired him in violation of his federal constitutional rights, and that the New Hampshire Department of Employment Security, through its Certifying Officer, Margaret Garrison, violated his First Amendment right to free speech in determining that a statement about politics made to a patient could be considered "misconduct" for the purposes of denying eligibility for unemployment compensation. In addition, Griffin claims that the Hospital and its attorneys, defendants R. Matthew Cairns and Gallagher, Callahan & Gartrell, P.C., have defamed him. The matter is before me for preliminary review to determine, among other things, whether the Amended Complaint states any claim upon which relief might be granted. See 28 U.S.C. § 1915(e)(2)(B); United States District Court District of

New Hampshire Local Rule ("LR") 4.3(d)(1) (authorizing magistrate judge to conduct a preliminary review of cases filed pro se).

For reasons set forth in the Report and Recommendation issued this date, the only claim that should remain in this lawsuit, if the Report and Recommendation is accepted, is the First Amendment claim asserted under 42 U.S.C. § 1983 against Garrison in her individual capacity, which is enumerated as Claim 4 in the Report and Recommendation. The remaining claims and defendants should be dismissed for reasons set forth in the Report and Recommendation. Accordingly, I hereby direct service of Claim 4 upon defendant Margaret Garrison only, as follows.

My review of the file indicates that Griffin has not completed a summons for Garrison. The Clerk shall provide Griffin with the necessary summons form. Griffin shall complete a summons for Garrison and submit it to the Clerk's office within thirty (30) days of the date of this Order.

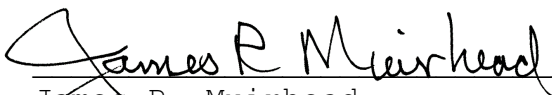
Upon receipt of the completed summons, the Clerk's office shall issue the summons against Garrison and forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summons and copies of the Amended Complaint (doc. no. 6), the Report and Recommendation, and this

Order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall effect service upon Garrison. See Fed. R. Civ. P. 4(c)(3).

Defendant is instructed to answer or otherwise plead within twenty days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Griffin is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendant by delivering or mailing the materials to her or her attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: November 16, 2009

cc: John R. Griffin, Jr., pro se